

1 MICHAEL D. YOUNG (SBN 120787)
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3 **ALSTON & BIRD LLP**
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8 Email: mike.young@alston.com
9 nicole.rivas@alston.com

10 Attorneys for Defendants THE BOARD OF TRUSTEES
11 OF THE UNIVERSITY OF ILLINOIS, erroneously sued as
12 THE UNIVERSITY OF ILLINOIS-URBANA CHAMPAIGN;
13 and DR. GEORGE GOLLIN

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

16 ST. LUKE SCHOOL OF MEDICINE;
17 DR. JERROLL B.R. DOLPHIN and
18 DR. ROBERT FARMER on behalf of
19 himself and all others similarly situated, as
20 applicable,

21 Plaintiffs,

22 v.

23 REPUBLIC OF LIBERIA; MINISTRY OF
24 HEALTH, a Liberian Governmental
25 Agency; MINISTRY OF EDUCATION, a
26 Liberian Governmental Agency; LIBERIAN
27 MEDICAL BOARD, a Liberian
28 Governmental Agency; NATIONAL
COMMISSION ON HIGHER
EDUCATION, a Liberian Governmental
Agency; NATIONAL TRANSITIONAL
LEGISLATIVE ASSEMBLY, a Liberian
Governmental Agency; DR. ISAAC
ROLAND; MOHAMMED SHERIFF; DR.
BENSON BARH; DR. GEORGE GOLLIN;
EDUCATION COMMISSION FOR
FOREIGN MEDICAL GRADUATES; a
Pennsylvania Non-Profit organization;
FOUNDATION FOR ADVANCEMENT
OF INTERNATIONAL EDUCATION
AND RESEARCH; a Pennsylvania Non-
Profit organization, UNIVERSITY OF
ILLINOIS-URBANA CHAMPAIGN, an
Illinois Institution of Higher Learning;
STATE OF OREGON, Office of Degree
Authorization,

Defendants.

Case No.: 10-CV-01791 RGK (SHx)

[Honorable R. Gary Klausner]

**DECLARATION OF MICHAEL D.
YOUNG IN SUPPORT OF THE
BOARD OF TRUSTEES OF THE
UNIVERSITY OF ILLINOIS' REPLY
MEMO TO ITS MOTION TO
DISMISS, ALTERNATIVELY FOR
MORE DEFINITE STATEMENT,
AND TO STRIKE**

**[FILED CONCURRENTLY WITH
REPLY TO MOTION]**

DATE: July 6, 2010
TIME: 9:00 a.m.
COURTROOM: 850

DECLARATION OF MICHAEL D. YOUNG

I, Michael D. Young, declare and state as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and am a partner with the law firm of Alston & Bird LLP, attorneys of record for defendants "The Board of Trustees of the University of Illinois" and Dr. George Gollin herein. I have personal knowledge of the files and records in this action, and of the facts set forth in this declaration. I could and would competently testify to the matters set forth herein.

2. On or about June 1, 2010, at nearly 4:00 p.m., I received an email from Thaddeus Culpepper, plaintiffs' counsel in this matter, which replied to my email of May 20, 2010, and stated merely: "We will be voluntarily dismissing". A true and correct copy of this email is attached hereto as **Exhibit A**.

3. After filing the instant motion to dismiss on behalf of the University, I learned that plaintiffs had sought to serve process on University of Illinois professor Dr. George Gollin, a named defendant in this action. On or about June 10, 2010, I again tried to reach Mr. Culpepper by telephone, and was forced to leave a message in his voicemail. I asked that he dismiss Dr. Gollin under the Eleventh Amendment, and offered to send him authorities to support the dismissal. I followed up my phone call with an email to Mr. Culpepper summarizing my voicemail message and asking that he call me back. Attached hereto as **Exhibit B** is a true and correct copy of my June 10, 2010 email to Mr. Culpepper.

4. Mr. Culpepper never replied to any of my calls or emails. Indeed, other than the five word message in Exhibit A (and the initial phone call on May 10), I have been unable to reach Mr. Culpepper to discuss any aspect of this case.

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1 I declare under penalty of perjury under the laws of the United States and
2 the State of California that the foregoing is true and correct of my personal
3 knowledge.

4 Executed on this 1st day of June, 2010, at Los Angeles, California.

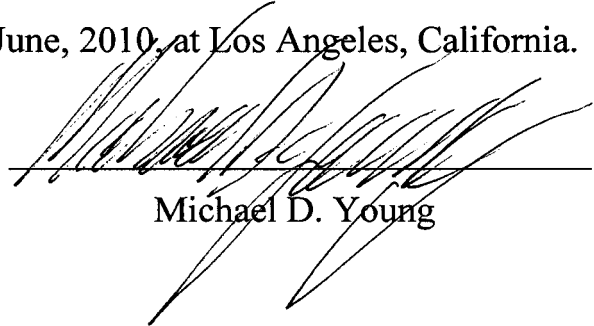
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6 _____
7 Michael D. Young
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EXHIBIT A

From: Thaddeus J. Culpepper [thaddeusfsc@gmail.com]
Sent: Tuesday, June 01, 2010 3:53 PM
To: Young, Mike
Subject: Re: St. Luke School of Medicine v. Republic of Liberia

We will be voluntarily dismissing

On Thu, May 20, 2010 at 2:03 PM, <Mike.Young@alston.com> wrote:

Thaddeus, I left you a voicemail message regarding my letter to you of seeking dismissal of the University of Illinois on sovereign immunity grounds. For your convenience, another copy is attached.

Could you please let me know whether you will voluntarily dismiss the University at this time? We will need to prepare our motion to dismiss and for sanctions soon if we don't hear from you, and this seems like an unnecessary expense given the clear impropriety of adding the University to this federal action.

Please get back to me today if at all possible.

Regards,

-MIKE-

Michael D. Young

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EXHIBIT B

From: Young, Mike
Sent: Thursday, June 10, 2010 10:44 AM
To: 'thaddeusfsc@gmail.com'; 'culpepper@alumni.pitt.edu'
Subject: RE: St. Luke School of Medicine v. Republic of Liberia

Thaddeus: Per my voicemail message to you this morning, please give me a call to discuss this case. I appreciate that you are now agreeing to dismiss the University of Illinois from the action – I wish you would have done so pursuant to my earlier requests and prior to our having to file the motion to dismiss as then we would have agreed to waive costs and sanctions. Nonetheless, better late than never. Please let me know when we can expect to see the dismissal. In the meantime, I assume you do not mind if we notify the court that you will not be opposing our motion.

In my voicemail message, I also asked that you dismiss Dr. Gollin from the action. Accepting your allegations in the complaint that Dr. Gollin was acting in his role as an employee of the University, he too would be covered by the sovereign immunity of the Eleventh Amendment. We can provide you with legal authority if you would like, but I have no doubt that by this time you are fully aware of the scope of Eleventh Amendment immunity.

Could you please respond by either a phone call or email and let me know that you will dismiss Dr. Gollin from this action? I would like to have your response by Monday so we can avoid preparing yet another motion to dismiss.

I look forward to your prompt reply. Regards,

-MIKE-

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Please get back to me today if at all possible.

Regards,

~~-MIKE-~~

Michael D. Young

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6/22/2010

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